

ENVIRONMENTAL PROTECTION COMMISSION
SPECIAL MEETING/PUBLIC HEARING
MINUTES

August 26, 2008
7:00 P.M.
Auditorium, Town Hall

Chairman Hillman called the meeting to order at 7:05 P.M. Commission Members Present: Susan Cameron (acting Chairperson), Craig Flaherty, Rick Rohr, Michael Tone, Ellen Kirby, and Pete Kenyon.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Ms. Cameron read the first hearing item:

EPC-46-2008, Town of Darien, LaForge Road and Dubois Street, proposing drainage improvements in an upland review area within Town roads.

Darren Oustafine, P.E., Assistant Director of Public Works, represented the applicant. He introduced Alfred Mascia, P.E., Tighe & Bond. He said that because of concerns expressed by downstream owners they notified downstream owners to Noroton Avenue. He said the purpose of the project is to reduce flooding on LaForge Road and Lillian Terrace. He said the pipe in the road will mean less water in the stream behind the homes. He said the volume of water will be no more than existing conditions. He said there will be an increase in peak flow rate from LaForge but a slight decrease in overall peak rate.

Mr. Tone asked about the timing of the project. Mr. Oustafine said approximately three months to start and not longer than six months to complete.

Mr. Flaherty asked if the existing stream is to remain. Mr. Oustafine said yes. Mr. Flaherty asked about the area draining to the existing stream. Mr. Oustafine said seven acres. Mr. Flaherty asked if they will keep a base flow to the stream. Mr. Oustafine said yes. Mr. Flaherty asked about water quality. Mr. Oustafine said there will be sumps and trap hoods on the catch basins.

John Poccia, LaForge Road, asked if they will install additional catch basins. Mr. Oustafine said yes.

Mr. Poccia asked about fixing erosion. Ms. Cameron said consult with staff about making an application.

Mr. Golio, Dubois Street, asked why not design for larger storms. Mr. Mascia said they designed for a 25 year storm but the system will carry larger storms.

Al Hansen, Dubois Street, asked about Baker Field. Ms. Cameron said Baker field is not part of this application.

Rhodamon Li, Post Road, read a letter on behalf of Chris Noe.

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Laura Giobbi, Kelsey Street, read a letter in support of the project.

Mr. Lazzaro, Dubois Street, said the project ties into his pipe. He said he could not find the meaning of "rights of others" in the land records. He asked who will maintain his pipe. Mr. Oustafine said that they have a legal opinion that the Town has the right to tie into the pipe. He said there is no work proposed on Mr. Lazzaro's property. He said the pipe is on Mr. Lazzaro's property and the Town does not have an easement and will not maintain it.

Mimi Griffith, Dubois Street, urged approval of the project.

Andy Millar, Laforge Road, read a prepared statement.

Cheryl Russell, Holly Lane, spoke in favor of the project.

Mr. Flaherty asked how they will maintain base flow. Mr. Mascia said storms less than a 10 year event will go to the existing system. Mr. Flaherty asked if they considered water quality structures. Mr. Oustafine it would be difficult because of the high flows. He said they would prefer not to include additional structures beyond the catch basin sumps.

Mr. Kenyon made a motion to close the public hearing. Mr. Tone seconded the motion and it passed unanimously.

The Commission proceeded to deliberate.

Ms. Cameron asked if any of the members had any special conditions.

Mr. Flaherty said he was still considering a water quality structure. He said the proposal is better than existing conditions.

Mr. Tone said the Commission could offer an advisory opinion on water quality.

Mr. Kenyon said the resolution should include a statement that the DPW considered the affect on private property and the ecology of the wetland in designing the alternative plan in the road.

The Commission requested staff draft a resolution of approval.

Ms. Cameron read the next hearing item:

EPC-35-2008, Oakview Housing Trust, LLC, 26 Oak Crest Road, proposing demolition of existing residence, construction of 10 condominium units in two buildings, and related site development activities within an upland review area. The site is shown on Assessor's Map #15 as Lot #101. (continued from July 23).

Attorney Matthew Ranelli represented the applicant. He listed the additional material submitted since the last hearing and tonight. He said they addressed all of the comments to date.

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Attorney William Golden, Oak Crest Road, asked who is behind the LLC and raised a question regarding Town rights on a portion of the land in question.

Ms. Cameron said that the question of ownership is not an EPC issue.

Mr. Ranelli said the application is properly filled out and the LLC is properly the applicant.

Mr. Greg Harmer, Oak Crest Road said the question of ownership is a threshold question.

Richard Windels, Friends of Goodwives River, said they have hired Fuss & O'Neill to review the application. He said the plans are not valid because a dumpster is in the turning circle. He raised questions about maintenance and snow removal. He said the volume of runoff to Goodwives River will be increased.

Daniel Delaney, P.E., Fuss & O'Neill said he was retained by the FOGR. He provided a report and a summary of the previously prepared watershed study of the Goodwives River. He reviewed his August 26, 2008 letter and submitted it for the record.

Mr. Tone asked if he had done calculations to determine the increase in volume. Mr. Delaney said they did a quick calculation on a preliminary basis. Mr. Tone asked if the increase is significant. Mr. Delaney said it is approximately 40% which is a large percentage. He said cumulative impacts have led to degradation of the river. Mr. Tone asked if an increase in volume would have a detrimental effect. Mr. Delaney said that flows above normal will cause erosion and degradation of water quality. Mr. Tone asked if, absent pre-treatment, there would be an adverse impact on water quality. Mr. Delaney said yes.

Mr. Ranelli questioned their volume calculations and the increase. Mr. Delaney said it may be due to a mistake in interpretation of the model. Mr. Ranelli asked if the ADS unit is considered pre-treatment. Mr. Delaney said it is secondary not primary treatment. Mr. Ranelli asked if he had reviewed the Tighe & Bond report of August 20. Mr. Delaney said no, he will review it.

Mr. Adams submitted a letter for the record.

The Commission requested that Joe Canas review the Fuss & O'Neill information.

The Commission will request an opinion from Town Counsel regarding Parcel.

Other additional information was requested including gutter capacity, additional cross sections of the basin, an alternatives analysis, and a map showing more perspective of the abutting properties and the Goodwives River.

Mr. Ranelli said there are no alternatives with less impact therefore no further analysis was provided. He said a structural drawing of the rain tank was provided in the appendix and he will provide additional copies of the appendix.

The hearing was continued to September 18.

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Mr. Rohr made a motion to adjourn. Mr. Tone seconded the motion and it passed unanimously. The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer